Introduction

Policing the French Empire

Colonial Law Enforcement and the Search for Racial-Territorial Hegemony

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Commenting on the colonial setting in its twilight during the Algerian War of Independence, Frantz Fanon famously observed: “Le travail du colon est de rendre impossible jusqu’aux rêves de liberté du colonisé. Le travail du colonisé est d’imaginer toutes les combinaisons éventuelles pour anéantir le colon (the task of the colonizer is to make impossible even the dreams of liberty of the colonized. The task of the colonized is to conceive of every possible strategy to wipe out the colonizer).”¹ In an ironic twist, the very things that seemingly protected the imperial project—military barracks and police stations, the omnipresent *tricolore*, military parades—only heightened the desire for freedom of the colonized denizens of the empire. Fully aware of this dilemma, authorities doubled down on policing, the scope of judicial powers, and the prison system in an attempt to mobilize law and security, alongside bureaucracy, science, and even language to effectively neutralize dissent and promote their possessions. Although writing about nineteenth-century India, Partha Chatterjee could similarly be addressing Algeria or Indochina when describing “a concerted attempt to create the institutional procedures for systematically objectifying and normalizing the colonized terrain.”² As race proved the most fundamental marker of colonial difference, it became the sole delineating factor in determining rights and benefits, and also the focus of security efforts throughout global empires.³ Worse still, as Homi Bhabha relates, the colonized were always viewed a racially inferior, no matter what their situation. Even in their own homeland, Africans or Asians were judged by European interlocutors, and thus condemned to second-class citizenship and concomitant security/surveillance until successfully decolonizing their territories.⁴

As a result of these truisms, there has been a tremendous increase in the past two decades in the history of colonial law enforcement and justice, as scholars attempt to investigate the mechanisms used to bolster empire on a global scale. A plethora of monographs and collections have appeared, designed to both offer a panorama of policing, crime, and judiciary throughout the imperial world, while proffering case studies of a variety of models in use within the diverse array of locales. However, only rarely have collections focused exclusively on the French empire, and then principally sub-Saharan territories along with Madagascar.⁵ Yet the entire “très grande France” possessed its own unique matrices designed to at once protect/support the colonial project while simultaneously enforcing a system of racial repression and separation deemed essential to the hegemony of European population, commerce, and various other interested parties. From the Indigénat, the 1881 legal code designed to entrench racial difference and control to an extensive labor and prison system, through the racial segregation of urban neighborhoods and constant surveillance/identity checks/roundups, authorities governed imperial space through an omnipresent legal framework.⁶

Hence it is essential to engage in a detailed study of French colonial law enforcement/judiciary/prisons to fully comprehend the specifically Gallic system and its ultimate failures. For as Emmanuel Blanchard, Quentin Deluermoz, and Joël Glasman have adroitly noted, it is crucial to avoid viewing colonial policing and justice as mere carbon copies in each territory across the globe, regardless of the invading power. Local specificities must be considered in order to effectively study the phenomenon, and essential differences clearly exist in personnel, aims, and strategies. For example, the policing model used in British India—invoking martial race theory and frankly imitative of the Royal Irish Constabulary—markedly differed from the French preference for subordinate and “inferior” Algerian guards/officers in both police and gendarmerie units, with Europeans firmly in charge. Moreover, even within the French empire, settler colonies like Algeria required comprehensive law enforcement models utterly impossible to employ in certain sub-Saharan territories possessing fewer traces of the imperial presence.⁷ Thus, this collection is not intended to provide a comprehensive synthesis of colonial policing in the French empire, but rather a snapshot of varying situations and experiences within a diverse overarching framework. Blanchard and Glasman elsewhere similarly caution against direct comparisons between imperial and metropolitan policing; the blurring of lines between military and law enforcement and the central preoccupation with order in the former setting in a manner unthinkable in France testify to the centrality of control to colonial life, despite a wide variety of well-documented efforts to monitor and/or regulate African or Asian students, visitors, and (most importantly) laborers.⁸ The constant quest for dominance proved to be the defining trait of the French empire, with police and prisons as the linchpin, whose various facets will be discussed in detail in the articles presented here.⁹

That such hegemony proved increasingly illusory only heightened the reliance on security, which in turn increasingly failed to deliver the promised omnipotence, doomed to fail amid a rising tide of anti-imperialism and nationalist sentiment.¹⁰ Thus Martin Thomas assesses interwar colonies as “intelligence states,” consistently seeking to better understand the local population from geography and economy to threat assessments.¹¹ The compilation of data (demographic, economic, and crime statistics; files on *malfaiteurs*; or religious and political figures) could preempt dissent and rebellion, yet authorities consistently floundered when faced with what James C. Scott calls the hidden transcript: the private conversations, opinions, and criticisms in languages inaccessible to European officials and police due to limited comprehension and a racial divide itself enforced by security services. Thus nationalism, religious opposition, and international criticism against empire only intensified, while colonial regimes relied on dubious local informants, operating on extremely limited budgets imposed by the metropole. This was hardly a recipe for success, and unsurprisingly as the threat to empire accelerated, so too did hyper-violent responses, which only perpetuated the cycle of protest and repression and hastened the coming of decolonization.¹²

With all of this in mind, the authors here strive to expand traditional conceptions of imperial police/judicial/penal services and their impact upon colonizer and colonized alike, while considering the choices, success/failure, and consequences of the aims, policies, and counter-measures mobilized by officials and officers on one hand, and subjects on the other. In doing so, they reveal the remarkable breadth of the engine of repression designed to bolster European hegemony, while othering and suppressing the colonized and their desires.¹³ In the opening article, Anton Plarier deftly highlights the massive scope of Algerian law enforcement and legal codes. Hardly a violent crime or call to revolt, something as mundane as agricultural practices could nonetheless elicit an urgent response from officials and settler population alike. Alongside issues such as the non-payment of taxes, rebellious acts, or attacks on French sovereignty, officials criminalized the use of forest fires to fertilize or clear land for grazing/pasture, a centuries-old rural Algerian tradition. Plarier’s comprehensive research reveals the juxtaposition of genuine environmental fears concerning sustainability (echoing identical concerns from the metropole in the 1860s) with the reality of a French monopoly over forestry that resulted in starvation and land seizures.¹⁴ The article quotes poet Mohand Moussa’s damning verdict: “They have burdened the poor with debts / Stolen their land / Taken their fields to the doors of their houses.” Constant tension resulted, between preservationist rhetoric and the reality of French colonial rule—fines and land seizures, collective responsibility, and (of course) law enforcement. Plarier concludes by terming the entire exercise the construction of “environmental imaginaries,” using officials and policing to efface traditional agriculture.

That many of the officials involved with law enforcement and the colonial penal system proved utterly incompetent provides a key theme for Geoff

Read's engaging examination of the farcical and tragic story of N'guyen van Binh, convicted of rebellion during an 1866 Cambodian uprising and initially exiled, a sentence that was subsequently commuted. French concerns with banditry, armed uprisings, political nationalism, and police/military responses, have been well documented by various authors.¹⁵ Yet in this case, administrative bumbling resulted in a decade-long saga of mistaken identity and incompetence peripatetically moving from Toulon to Senegal to Guadeloupe and back to Saigon. On one hand, Read's "French colonial history from below" adroitly demonstrates the attempt to exercise control over threats to empire, resulting in harsh sentences and penal conditions, along with the apathetic and nonchalant bureaucratic attitudes. Yet in addition, along with the limitations of nineteenth-century global communication, xenophobia was also a clear factor, with complaints from the governor general about "harassment" from van Binh's family, while the Toulon prefect bemoaned that all Vietnamese names sounded alike. As Read rightly concludes "the end result of this collective blundering was that it took nearly ten years to track N'guyen van Binh down, by which time his life had been ruined."

Such mistakes were often twinned with the racial bias and concomitant corruption of law enforcement, regardless of the nature of the crime. Thus in Ruth Ginio's critical rendering of three murder investigations in *Afrique-occidentale française*, reopened by the colonial authorities due to voluminous errors and irregularities, personnel ignorant of local languages and customs in territories under their governance and the constant fear of rebellion combined to sabotage both the administration of justice and public order on one hand, and the desire to "civilize" local populations on the other. Worse still, constant political infighting and a reliance on African intermediaries for almost every facet of police investigations hampered attempts to solve even the most violent crimes, with justice itself never really prioritized in cases where the victim was non-European. Whether an interpreter accused of murder in 1929–30 Mauritania, the persecution of a female "prophet" in 1919 Senegal, or attempts to solve a girl's disappearance suspected of ending in a ritual killing in interwar Dahomey, Ginio's superlative account reveals the biases and rivalries, botched investigations, and obsession with public order that undermined law enforcement throughout the AOF (*Afrique-Occidentale française*, French West Africa) (and indeed the French empire writ large) throughout the colonial period.

If officials constantly feared rebellion, they also mercilessly crushed any signs of dissent using armed force, attempting to send a clear message of French superiority. Patrick Dramé's penetrating analysis of the Haute-Sangha revolt of 1928 and subsequent French "pacification" campaign probes both the causes of an uprising in *Afrique-Équatoriale française* and the military response. A typical example of a colonial skirmish, also seen in North Africa and Indochina, Dramé's conflict evidences extreme tactics/sanctions, which prove Achille Mbembe's dictum quoted here that colonial violence increases in direct proportion with the threat to the economic interests and

political control of the colonizer. That the root causes included the French exploitation of labor and resources, and flagrant European abuse (including the robbery of the colonized), was never considered; the movement that coalesced around religious figure Barka Gaindoubé (dubbed Karinou by officials) elicited military reprisals. As the uprising escalated, graduating from symbolic acts to property destruction and physical attacks against officials, soldiers, and businessmen, by 1930 the administration responded with an all-out tactical assault against suspected rebel villages and cantons, leaving hundreds dead and wounded, and finally a year later harsh individual and collective penal sanctions. Many of those accused and sentenced were not actual rebels, and Dramé's meticulously detailed account echoes Daniel Neep's observation (in the Syrian context) that "French officers realized that even supposedly pacified populations would often lend their support to rebel bands. Punitive operations therefore needed to target not only rebel bodies, but the body politic as a whole."¹⁶

It is thus tempting to view colonial police action through the lens of violent crime or revolt, protecting European population and commerce alike from the perceived vicissitudes of the bellicosity and nationalism of the colonized. In contrast, Danielle Beaujon's highly original treatment of the censorship and surveillance of the Algerian theater scene reminds historians that officers used the stroke of a pen as much as arrests, interrogations, and jails. Utilizing previously unused papers from the Archives d'Outre-mer and focusing primarily on the cases of ambulant singers performing in town/city streets and the renowned Troupe Mahieddine, Beaujon describes police taking a page from (and acting in concert with) the Renseignements généraux/political police, using bureaucratic methods and intelligence gathering, concerned from the 1920s onward by the growth of live performances and nationalist politics in equal measure. If these efforts ultimately failed, not least because of the lack of fluency in Arabic among the European constabulary, they nonetheless reveal a continual process of negotiation, subterfuge, and opportunism on both sides. In the end, Beaujon concludes that the theatrical experience operated as a microcosm of the population at large: neither hardened nationalists nor servants of the French state, but merely attempting to navigate the conflicting demands from both officials/security services and Algerian political organizations alike.

The final article in this issue portrays the endgame of French colonial policing: incarceration, through the story of 17-year-old Baya Hocine, jailed in Barberousse and sentenced to death for her role in planting bombs at the El Biar stadium in February 1957 for the Front de libération nationale (FLN) during the War of Independence. Using a unique blend of archival material and prison diaries, Sylvie Thénault brings to life the voice of a compelling witness absent from both French and Algerian historical narratives. Thénault deftly reconstructs the mental and physical realities of prison life, especially for women who are missing in other highly gendered accounts. The article variously explores the living space, political struggles (between the FLN

and the communist Parti communiste algérien), tensions and friendships between inmates, and abuse, assaults, and executions by guards and the Compagnies républicaines de sécurité, using Hocine's diary as a "cultural history of the Algerian prison world." The resulting blend of biography, prison memoir, and micro-history ties together various themes common throughout the collection: colonial policing and violence, anticolonial resistance and struggle, nuanced portrayals of the colonized, and a reconsideration of the sites and meanings of justice in the French empire.

It is tempting to view all of this as mere history, the stuff of a bygone era that has thankfully receded into the past. Yet from Paris to Minneapolis there are constant reminders of ongoing struggle, and a recognition that police violence, judicial bias, and race-based incarceration—not to mention public/press apathy, have enabled law enforcement/prison practices that deny rights and physically batter the formerly colonized. Whether against Indigenous peoples in Canada, African Americans in the United States, or British or French citizens of African/Asian descent, these policies and acts constitute a living reminder that the imperial past is far from over and testify to the need for constant universal struggle. For as Robin Maynard observes, the surveillance, harassment, and detention, not to mention socio-economic and institutional inequalities from schooling and labor to housing and government assistance are not merely twenty-first-century realities. Rather they are the continuation of practices rooted in settler colonialism and slavery, which bequeathed persisting beliefs in the barbaric, violent, and primitive nature of populations rooted in the Global South.¹⁷ Watching the protests demanding justice for Adama Traoré, the Malian-Frenchman chased and subsequently asphyxiated in Beaumont-sur-Oise by gendarmes during a 2016 arrest despite offering no resistance, or the recording of the horrific murder of George Floyd under the knee of a white Minneapolis police officer, one could just as easily be in the streets of Africa or Asia under imperial rule, where the abuse of "indigènes" by law enforcement represented a simple quotidian reality. The result is a clear picture of malfeasance on an international scale: Breonna Taylor, Chantal Moore, William Cameron, Cédric Chouviat, Eric Garner, Rodney Levi, and far too many others to count who have died due to police brutality. Yet in presenting the history of French colonial policing and incarceration, the authors in this collection shed light on certain aspects of the past roots of present abuse, inexorably linking colonial and postcolonial realities.

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Notes

1. Frantz Fanon, *Les Damnés de la terre* [The Wretched of the Earth] (Paris: François Maspero, 1968), 50.
2. Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993), 19–20.
3. Ibid.
4. Homi Bhabha, *The Location of Culture* (New York: Routledge, 1994), 108.
5. The best example is Jean-Pierre Bat and Pierre Courtin, *Maintenir l'ordre colonial: Afrique et Madagascar, XIXe–XXe siècles* [Maintaining Colonial Order: Africa and Madagascar, XIXth–XXth Centuries] (Rennes: Presses universitaires de Rennes, 2012). Many volumes exist that investigate colonial policing across the imperial world, including the French empire. See, for example, Emmanuel Blanchard, Marieke Bloembergen, and Amandine Lauro, eds., *Policing in Colonial Empires: Cases, Connections, Boundaries (ca. 1850–1970)* (Brussels: Peter Lang, 2017).
6. Emmanuel Blanchard and Joël Glasman, “Introduction générale” in Bat and Courtin, *Maintenir l'ordre colonial*, 20, 33–34. Concerning the legal framework of oppression, see Gregory Mann, “What was the Indigénat? The ‘Empire of Law’ in French West Africa,” *Journal of African History* 50 (2009): 331–353; Isabelle Merle, “De la ‘légalisation’ de la violence en contexte colonial: le régime de l’indigénat en question,” [“On the ‘Legalization’ of Violence in the Colonial Context: Revaluating The Indigénat”] *Politix* 6 (2004): 137–162. Concerning coercive labor practices, see Martin Thomas, *Violence and Colonial Order: Police, Workers, and Protest in the European Colonial Empires, 1918–1940* (Cambridge: Cambridge University Press, 2012). A discussion of police harassment and legal bias can be found in Samuel Kalman, “Unlawful Acts or Strategies of Resistance? Crime and the Disruption of Colonial Order in Interwar French Algeria,” *French Historical Studies* 43 (2020): 85–110. On the French colonial prison system, see Sylvie Thénault, *Violence ordinaire dans l’Algérie coloniale: camps, internements, assignations à résidence* [Everyday Violence in Colonial Algeria: Internment Camps, Imprisonment, House Arrest], (Paris: Odile Jacob, 2012).
7. Emmanuel Blanchard, Quentin Deluermoz, and Joël Glasman, “La professionnalisation policière en situation coloniale: detour conceptuelle et explorations historiographiques,” [“The Professionalization of Police in the Colonies: Conceptual Detours and Historiographical Explorations”] *Crime, History and Society/Crime, histoire, et société* 15 (2011): 13. On the British system, see Georgina Sinclair, *At the End of the Line: Colonial Policing and the Imperial Endgame, 1945–80* (Manchester: Manchester University Press, 2006), 1–7; David Arnold, *Police Power and Colonial Rule: Madras, 1859–1947* (Oxford: Oxford University Press, 1986).
8. Concerning metropolitan efforts, see variously Emmanuel Blanchard, *La Police parisienne et les algériens (1944–1962)* [The Paris Police and Algerians, 1944–1962] (Paris: Nouveau Monde, 2011); Jennifer Boittin, *Colonial Metropolis: The Urban Grounds of Anti-Imperialism and Feminism in Interwar Paris* (Lincoln, University of Nebraska Press 2010); Rabah Aissaoui, *Immigration and National Identity: North African Political Movements in Colonial and Postcolonial France* (London: Tauris Academic Studies, 2009); Jim House and Neil MacMaster, *Paris 1961: Algerians, State Terror and Memory* (Oxford: Oxford University Press, 2009); Clifford Rosenberg, *Policing Paris: The Origins of Modern Immigration Control between the Wars* (Ithaca, NY: Cornell University Press 2006); Mary Dewhurst Lewis, “The Strangeness

- of Foreigners: Policing Migration and Nation in Interwar Marseille," in *Race in France: Interdisciplinary Perspectives on the Politics of Difference*, ed. Herrick Chapman and Laura L. Frader (New York: Berghahn Books, 2004); Jacques Simon, *L'Étoile nord-africaine (1926–1937)* [The Étoile nord-africaine (1926–1937)] (Paris, 2003); Tyler Stovall, "The Colour Line behind the Lines: Racial Violence in France during the Great War," *American Historical Review* 103 (1998): 737–769; Neil MacMaster, *Colonial Migrants and Racism: Algerians in France, 1900–62* (London: Macmillan, 1997).
9. Blanchard and Glasman, "Introduction générale," 12–17.
 10. Blanchard, Deluermoz, and Glasman, "La professionnalisation policière en situation coloniale," 14.
 11. Martin Thomas, *Empires of Intelligence: Security Services and Colonial Order* (Berkeley: University of California Press, 2008), 2–8, 293–294.
 12. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press 1990).
 13. The literature concerning official efforts to construct otherness by official means is quite extensive. See, for example: Judith Surkis, *Sex, Law, and Sovereignty in French Algeria, 1830–1930* (Ithaca, NY: Cornell University Press 2019); Kathleen Keller, *Colonial Suspects: Suspicion, Imperial Rule, and Colonial Society in Interwar French West Africa* (Lincoln, NE: University of Nebraska Press 2018); Sophie B. Roberts, *Citizenship and Anti-Semitism in French Colonial Algeria, 1870–1962* (Cambridge: Cambridge University Press, 2017); Oissila Saaidia, *Algérie coloniale—musulmans et chrétiens: le contrôle de l'État (1830–1914)* [Muslims and Christians in Colonial Algeria: State Control (1830–1940)] (Paris: CNRS Éditions, 2015); Alice L. Conklin, *In the Museum of Man: Race, Anthropology, and Empire in France, 1850–1950* (Ithaca, NY: Cornell University Press 2013); Tricia Danielle Keaton, T. Denean Sharpley-Whiting, and Tyler Stovall, eds., *Black France/France noire: The History and Politics of Blackness* (Durham, NC: Yale University Press 2012); Yerri Urban, *L'Indigène dans le droit colonial français, 1865–1955* [The Indigène in French Colonial Law, 1865–1955] (Paris: Librairie Générale de Droit et de jurisprudence, 2010); George R. Trumbull, *An Empire of Facts: Colonial Power, Cultural Knowledge, and Islam in Algeria, 1870–1914* (Cambridge: Cambridge University Press, 2009); Elizabeth Thompson, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon* (New York: Columbia University Press, 2000).
 14. The use of such underhanded or obfuscated tactics to hide political and/or economic gains proved to be quite widespread. See Didier Guignard, *L'abus de pouvoir dans l'Algérie coloniale* [Corrupt Practices in Colonial Algeria] (Paris: Presses universitaires de Paris Ouest, 2010).
 15. Bradley Camp Davis, *Imperial Bandits: Outlaws and Rebels in the China-Vietnam Borderlands* (Seattle, WA: University of Washington Press 2017); Patrice Morlat, *La Répression coloniale au Vietnam (1908–1940)* [Colonial Repression in Vietnam (1908–1940)] (Paris: L'Harmattan, 1990).
 16. Daniel Neep, *Occupying Syria under the French Mandate: Insurgency, Space, and State Formation* (Cambridge: Cambridge University Press, 2014), 50.
 17. Robin Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (Halifax: Fernwood Publishing, 2017), 1–16.